

upon employers by Section 804 of the Social Security Act is within the power of Congress under the Constitution," and (2) "whether the validity of the tax imposed upon employees by Section 801 of the Social Security Act is properly in issue in this case, and if it is, whether that tax is within the power of Congress under the Constitution." The defendant corporation gave notice to the Clerk that it joined in the petition but it has taken no part in any subsequent proceedings. A writ of certiorari issued."

2. The words "decree for an injunction" on the ninth line of page 5 are struck out, and the words "equitable remedy" are substituted.

3. In the title of the cause the word "Petitioners" where it now appears is struck out, and inserted following the name of the Edison Electric Illuminating Company of Boston.

Reported as amended, *ante*, p. 619.

DECISIONS GRANTING CERTIORARI, FROM
APRIL 12, 1937, THROUGH JUNE 1, 1937.

No. 787. OCEAN BEACH HEIGHTS, INC. ET AL. *v.* BROWN-CRUMMER INVESTMENT Co. ET AL. April 12, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. J. Julian Southerland, Scott M. Loftin, John P. Stokes, James E. Calkins, and Henry K. Gibson* for petitioners. *Messrs. Giles J. Patterson and Dewey Knight* for respondents. Reported below: 87 F. (2d) 978.

No. 795. UNITED STATES *v.* WILLIAMS. April 26, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Reed* for the United States. *Mr. Perry Smith* for respondent. Reported below: 86 F. (2d) 746.

NO. 825. *FEDERAL TRADE COMMISSION v. STANDARD EDUCATION SOCIETY ET AL.* April 26, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Reed* for petitioner. *Mr. Henry Ward Beer* for respondents. Reported below: 86 F. (2d) 692.

NO. 830. *BOGARDUS v. COMMISSIONER OF INTERNAL REVENUE.* April 26, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. William D. Whitney* for petitioner. *Solicitor General Reed, Assistant Attorney General Morris, and Messrs. Sewall Key and John G. Remy* for respondent. Reported below: 88 F. (2d) 646.

NO. 836. *TEXAS & NEW ORLEANS R. CO. ET AL. v. NEILL ET AL.* April 26, 1937. Petition for writ of certiorari to the Court of Civil Appeals, 4th Supreme Judicial District, of Texas granted. *Messrs. Harper Macfarlane and W. L. Matthews* for petitioners. *Mr. H. C. Carter* for respondents. Reported below: 97 S. W. (2d) 279.

NO. 910. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, ET AL. v. DAVIS.* April 26, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Solicitor General Reed* for petitioners. *Messrs. Edward F. McClennen and Jacob J. Kaplan* for respondent. Reported below: 89 F. (2d) 393.

NO. 890. *TEXAS ET AL. v. DONOGHUE, TRUSTEE.* May 3, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted, limited

to the questions raised upon the application of the State for permission to take proceedings for the confiscation of the alleged illegal oil. *Messrs. William McCraw, William C. Davis, W. J. Holt, and C. M. Kennedy* for petitioners. *Mr. W. B. Harrell* for respondent. Reported below: 88 F. (2d) 48.

No. 853. *WHITE v. ARONSON, TRUSTEE*. May 3, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Solicitor General Reed* for petitioner. *Mr. Samuel Gottlieb* for respondent. Reported below: 87 F. (2d) 272.

No. 878. *PENNSYLVANIA EX REL. SULLIVAN v. ASHE, WARDEN*. May 17, 1937. Petition for writ of certiorari to the Supreme Court of Pennsylvania granted. *Messrs. Wm. J. Hughes, Jr., and Wm. E. Leahy* for petitioner. *Messrs. Charles J. Margiotti and Adrian Bonnelly* for respondent. Reported below: 325 Pa. 305; 188 Atl. 841.

No. 886. *BERMAN v. UNITED STATES*. May 17, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Samuel H. Kaufman, Emil Weitzner, and Isadore Polier* for petitioner. *Solicitor General Reed, Assistant Attorney General McMahon, and Messrs. Wm. W. Barron and W. Marvin Smith* for the United States. Reported below: 88 F. (2d) 645.

No. 842. *PUERTO RICO v. SHELL COMPANY ET AL.* May 17, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. William Cattron Rigby and Nathan R. Margold*

for petitioner. *Messrs. Wm. D. Whitney, Gabriel I. Lewis, Oscar B. Frazier, and James R. Beverley* for respondents. Reported below: 86 F. (2d) 577.

No. 848. *PALMER v. COMMISSIONER OF INTERNAL REVENUE*. May 17, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. Robert G. Dodge and Harold S. Davis* for petitioner. *Solicitor General Reed* for respondent. Reported below: 88 F. (2d) 559.

Nos. 865 and 866. *CHICAGO TITLE & TRUST CO., SUCCESSOR TRUSTEE, v. FORTY-ONE THIRTY-SIX WILCOX BLDG. CORP.* May 17, 1937. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Silas H. Strawn* for petitioner. *Mr. Lewis E. Pennish* for respondent. Reported below: 86 F. (2d) 667.

No. 887. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. GOWRAN*. May 17, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Solicitor General Reed* for petitioner. *Mr. A. L. Nash* for respondent. Reported below: 87 F. (2d) 125.

No. 862. *MAYER v. COMMISSIONER OF INTERNAL REVENUE*. May 17, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Llewellyn A. Luce* for petitioner. *Solicitor General Reed* for respondent. Reported below: 86 F. (2d) 593.

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Decisions Granting Certiorari.

No. 895. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. PFEIFFER*. May 17, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Solicitor General Reed* for petitioner. *Mr. Roger S. Baldwin* for respondent. Reported below: 88 F. (2d) 3.

No. 854. *GROMAN v. COMMISSIONER OF INTERNAL REVENUE*. May 24, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Messrs. Egbert Robertson and James C. Spence* for petitioner. *Solicitor General Reed, Assistant Attorney General Morris, and Messrs. Sewall Key and Joseph M. Jones* for respondent. Reported below: 86 F. (2d) 670.

No. 905. *UNITED STATES EX REL. WILLOUGHBY, TRUSTEE IN BANKRUPTCY, ET AL. v. HOWARD ET AL.* May 24, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Walter E. Beebe* for petitioners. *Messrs. Julius Moses and Lloyd Heth* for respondents. Reported below: 87 F. (2d) 243.

No. 909. *VOGT, SHERIFF, v. MURPHY*. May 24, 1937. Petition for writ of certiorari to the Circuit Court of Kenton County, Kentucky, granted. *Mr. Dudley Miller Outcalt* for petitioner. *Messrs. S. H. Brown and Orie S. Ware* for respondent.

No. 911. *ROSS, RECEIVER, v. KNOTT, TREASURER, ET AL.* May 24, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Messrs. George P. Barse and J. Turner Butler* for petitioner. *Messrs. Cary D. Landis and H. E. Carter* for respondents. Reported below: 87 F. (2d) 817.

No. 934. *WILLING, RECEIVER, v. BINENSTOCK ET AL.* May 24, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. James M. Kane, Thomas J. Minnick, Jr., and George P. Barse* for petitioner. *Mr. Robert T. McCracken* for respondents. Reported below: 88 F. (2d) 474.

No. 916. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. BASHFORD.* May 24, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Solicitor General Reed* for petitioner. *Mr. Walter G. Moyle* for respondent. Reported below: 87 F. (2d) 827.

No. 922. *WORCESTER COUNTY TRUST CO., EXECUTOR, v. RILEY, CONTROLLER, ET AL.* May 24, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. The motion of Henry L. Long, Commissioner of Corporations and Taxation for Massachusetts, to intervene is granted. *Messrs. Merrill S. June and Bradley B. Gilman* for petitioner. *Mr. George S. Fuller* for respondents. Reported below: 89 F. (2d) 59.

No. 943. *FIDELITY & DEPOSIT CO. v. PINK, SUPERINTENDENT OF INSURANCE OF NEW YORK.* June 1, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. The CHIEF JUSTICE took no part in the consideration or decision of this application. *Messrs. Ralph S. Harris and Harold L. Smith* for petitioner. *Messrs. Alfred C. Bennett and Irvin Waldman* for respondent. Reported below: 88 F. (2d) 630.

No. 991. *KAY v. UNITED STATES*. June 1, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. MR. JUSTICE CARDOZO took no part in the consideration or decision of this application. *Mr. Wm. S. Culbertson* for petitioner. *Solicitor General Reed, Assistant Attorney General McMahon, and Mr. Wm. W. Barron* for the United States. Reported below: 89 F. (2d) 19.

No. 924. *NATIONAL CITY BANK v. PHILIPPINE ISLANDS*. June 1, 1937. Petition for writ of certiorari to the Supreme Court of the Philippine Islands granted. *Mr. Carl A. Mead* for petitioner. *Messrs. Harry B. Hawes, Raymond A. Walsh, and Bon Geaslin* for respondent.

No. 945. *WOODRING, SECRETARY OF WAR, ET AL. v. CLARKSBURG-COLUMBUS SHORT ROUTE BRIDGE Co.* June 1, 1937. Petition for writ of certiorari to the United States Court of Appeals for the District of Columbia granted. *Solicitor General Reed* for petitioners. *Mr. George D. Horning, Jr.*, for respondent. Reported below: 67 App. D. C. 44; 89 F. (2d) 788.

No. 946. *AETNA INSURANCE Co. v. ILLINOIS CENTRAL R. Co.* June 1, 1937. Petition for writ of certiorari to the Supreme Court of Illinois granted. *Messrs. Melvin L. Griffith and George M. Stevens* for petitioner. *Messrs. John W. Freels, Edward C. Craig, and Charles A. Helsell* for respondent. Reported below: 365 Ill. 303; 6 N. E. (2d) 189.

No. 960. *SMYTH, EXECUTOR, v. UNITED STATES*. June 1, 1937. Petition for writ of certiorari to the Court

of Claims granted. *Mr. Robert A. Taft* for petitioner. No appearance for the United States.

No. 961. *DIXIE TERMINAL CO. v. UNITED STATES*. June 1, 1937. Petition for writ of certiorari to the Court of Claims granted. *Mr. Robert A. Taft* for petitioner. *Solicitor General Reed* for the United States. Reported below: 83 Ct. Cls. 656.

No. 963. *PHILLIPS-JONES CORP. ET AL. v. PARMLEY ET AL.* June 1, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Robert T. McCracken* and *Herman Goldman* for petitioners. No appearance for respondents. Reported below: 88 F. (2d) 958.

No. 986. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. PALMER*. June 1, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Solicitor General Reed* for petitioner. *Messrs. Robert G. Dodge* and *Harold S. Davis* for respondent. Reported below: 88 F. (2d) 559.

No. 993. *TEXTILE MACHINE WORKS v. LOUIS HIRSCH TEXTILE MACHINES, INC.* June 1, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. William A. Smith, Jr.*, and *Hubert Howson* for petitioner. *Mr. Samuel E. Darby, Jr.*, for respondent. Reported below: 87 F. (2d) 702.

No. 939. *WRIGHT v. UNITED STATES*. June 1, 1937. Petition for writ of certiorari to the Court of Claims granted. *Mr. Ashby Williams* for petitioner. *Solicitor General Reed, Assistant Attorney General Whitaker* and *Mr. Paul A. Sweeney* for the United States.

Nos. 1024 and 1025. *ALABAMA POWER CO. v. ICKES, FEDERAL EMERGENCY ADMINISTRATOR OF PUBLIC WORKS, ET AL.*; and

No. 1026. *IOWA CITY LIGHT & POWER CO. v. SAME*. June 1, 1937. Petition for writs of certiorari to the United States Court of Appeals for the District of Columbia granted. *Messrs. Newton D. Baker, Perry W. Turner, Walter B. Guy, and Wayne G. Cook* for petitioners. *Solicitor General Reed, Assistant Attorney General Morris, Assistant Attorney General Whitaker, and Messrs. John W. Scott, Edward H. Foley, and Jerome N. Frank* for respondents. Reported below: 91 F. (2d) 303.

No. 1027. *FRAD v. KELLY, U. S. MARSHAL*. June 1, 1937. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Louis Karasik* for petitioner. No appearance for respondent. Reported below: 89 F. (2d) 866.

DECISIONS DENYING CERTIORARI, FROM APRIL 12, 1937, THROUGH JUNE 1, 1937.

No. 849. *OHIO EX REL. GREEN v. KING, CLERK, ET AL.* April 12, 1937. Petition for writ of certiorari to the Supreme Court of Ohio and motion for leave to proceed further *in forma pauperis* denied. *Mr. Carl Green, pro se.* No appearance for respondents. Reported below: 132 Oh. St. 139; 5 N. E. (2d) 407.